

2014-00353 / Court: 011

CAUSE NO. \_\_\_\_\_

SHON J. ANTHONY

§ IN THE DISTRICT COURT OF

§

§

§

V.

§

HARRIS COUNTY, TEXAS

§

§

RANDY HARRIS AND

§

SRT OIL FIELD SERVICE, LLC

§

JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION AND REQUESTS FOR DISCLOSURE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Shon J. Anthony, Plaintiff in the above entitled and numbered cause, and files this Original Petition complaining of Defendants Randy Harris and SRT Oil Field Service, LLC and would respectfully show the Court as follows:

**I.  
DISCOVERY PLAN**

Pursuant to TEX. R. CIV. PROC. 190, it is anticipated that discovery will be conducted under a Level 2 discovery plan.

**II.  
EXPEDITED TRIAL RULE**

2.1 As required by Rule 47(b) of the Texas Rules of Civil Procedure, Plaintiff's counsel states that the damages sought are in an amount within the jurisdictional limits of this Court. As required by Rule 47(c) of the Texas Rules of Civil Procedure, Plaintiff's counsel states that Plaintiff seeks monetary relief of over \$200,000 but not more than \$1,000,000. The amount of monetary relief actually awarded, however, will ultimately be determined by

a jury. Plaintiff also seeks pre-judgment and post-judgment interest at the highest legal rate.

### **III. PARTIES**

3.1 Plaintiff is a resident of Baytown, Harris County, Texas.

3.2 Defendant Randy Harris is an individual who resides in Laurel, Jones County, Mississippi. He can be served with Citation and a Copy of Plaintiff's Original Petition at his residence at 2803 North 6<sup>th</sup> Avenue, Laurel, Mississippi 39442.

3.3 Defendant SRT Oil Field Service, LLC is a corporation doing business in Laurel, Jones County, Mississippi. It can be served with Citation and a copy of Plaintiff's Original Petition by serving its registered agent, Jon S. Widener, 6 Thames Avenue, PO Box 2909, Laurel, Mississippi 39442.

### **IV. JURISDICTION AND VENUE**

4.1 The damages in this case, exclusive of interest and costs, are within the jurisdictional limits of this Court.

4.2 This court has jurisdiction over Randy Harris because he is an individual engaged in business in Texas. This court has jurisdiction over SRT Oil Field Service, LLC because this Defendant is an entity engaged in business in Texas.

4.3 Venue of this lawsuit is proper in Houston, Harris County, Texas because all or a substantial part of the events or omissions giving rise to this cause of action occurred in Harris County, Texas.

**V.  
STATEMENTS OF FACT AND GENERAL ALLEGATIONS**

5.1 At approximately 4:35 pm on August 22, 2013, Plaintiff Shon J. Anthony was driving a vehicle that was stopped at a red light in the northbound lane of the 6800 block of Thompson Road, in Baytown, Harris County, Texas. While his vehicle was at a complete stop, an 18 wheeler being driven southbound by Defendant Randy Harris and owned by SRT Oil Field Service, LLC, attempted to make a left turn behind the Plaintiff's vehicle. While making the turn, the left side of the 18 wheeler slammed into the right side of Mr. Anthony's vehicle. Mr. Anthony sustained serious and permanent injuries and was taken from the scene of the incident by ambulance.

**VI.  
CLAIMS FOR RELIEF**

**A. Negligence of Randy Harris**

6.1 The injuries suffered by Plaintiff were proximately caused by the negligent conduct, in both act and omission, of Defendant Randy Harris. Mr. Harris had a duty to operate his vehicle in a safe manner in accordance with the laws of the State of Texas. Mr. Harris breached that duty in numerous ways, including, but not limited to, the following:

- a) Failing to yield the right of way in violation of Tex. Transp. Code Ann. §545.151
- b) Failing to keep such a lookout as a person of ordinary, reasonable prudence would have kept under the same or similar circumstances;
- c) Driving carelessly and failing to pay attention; and/or
- d) Otherwise operating a vehicle in an unsafe manner.

6.2 Each of such acts and omissions, singularly or in combination with others, constituted negligence which proximately caused the incident and the injuries and damages suffered by Plaintiff.

**B. Negligence Per Se of Randy Harris**

6.3 The direct and proximate result of Defendant Randy Harris' failure to yield the right-of-way in violation of Tex. Transp. Code Ann. §545.151 constitutes negligence *per se*.

**C. Negligence of SRT Oil Field Service, LLC**

6.4 SRT Oil Field Service, LLC is liable to Plaintiff for the negligent acts and/or omissions of its agents, servants and/or employees. This claim arises from its negligent supervision and operation of the truck which injured Shon J. Anthony.

6.5 At all material times, all of the agents, servants and/or employees of SRT Oil Field Service, LLC who were in any way connected with this occurrence, were acting within the course and scope of their employment, in furtherance of the duties of their employment, and with the express permission and direction of SRT Oil Field Service, LLC.

6.6 The occurrence described in this petition is a direct and proximate result of the negligence of SRT Oil Field Service, LLC and its agents, servants, and/or employees. Specifically, SRT Oil Field Service, LLC and its agents, servants and officers were negligent because they knew, or in the exercise of ordinary care, should have known that driving carelessly and failing to yield the right of way created a dangerous condition with a substantial risk of harm to other drivers, including Shon J. Anthony.

**D. Vicarious Liability of SRT Oil Field Service, LLC**

6.7 At the time of the incident, the truck was owned by SRT Oil Field Service, LLC. SRT Oil Field Service, LLC had control over the mode, manner and method of the business of

Randy Harris. At the time of the incident, Defendant Randy Harris was the agent, servant and/or employee of SRT Oil Field Service, LLC, and was acting within the course and scope of his authority as such agent, servant, and employee of SRT Oil Field Service, LLC. Consequently, SRT Oil Field Service, LLC is responsible for the occurrence in question under the doctrine of *respondeat superior*.

## **VII. DAMAGES**

7.1 As a proximate cause of the Defendants' negligence, Plaintiff has sustained the following damages:

- (1) Medical, hospital, physical therapy and pharmaceutical charges and expenses in the past;
- (2) Medical, hospital, physical therapy and pharmaceutical charges and expenses that, in reasonable probability, will be incurred in the future;
- (3) Pain and suffering in the past;
- (4) Pain and suffering that, in reasonable probability, will be suffered in the future;
- (5) Mental anguish suffered in the past;
- (6) Mental anguish that, in reasonable probability, will be suffered in the future;
- (7) Lost wages in the past; and
- (8) Lost wages and/or diminished earning capacity that will, in reasonable probability, be sustained in the future.

7.2 Based on the above enumerated injuries and damages which were caused by the negligent acts and/or omissions of the Defendants, Plaintiff pleads for actual damages in an amount that the jury deems reasonable under the circumstances which exceed the minimum jurisdictional limits of the Court.

**VIII.  
PRAYER**

8.1 For the above reasons, Plaintiff requests that Defendants be cited to answer and appear, and after a trial on the merits before a jury, Plaintiff be awarded damages against Defendants as follows:

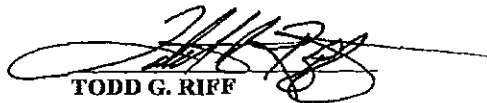
- a. Actual damages suffered by Plaintiff as a result of Defendants' conduct in an amount that is within the jurisdictional limits of this Court;
- b. Costs of court and expenses necessary for preparation of this case for trial;
- c. Pre-judgment and post-judgment interest at the highest legal rate; and
- d. Such other relief to which Plaintiff may be justly entitled.

**IX.  
REQUESTS FOR DISCLOSURE**

9.1 Plaintiff requests that Defendants disclose, within 50 days of the service of this request, the information or material described in Rule 194.2(a) – (l) of the Texas Rules of Civil Procedure.

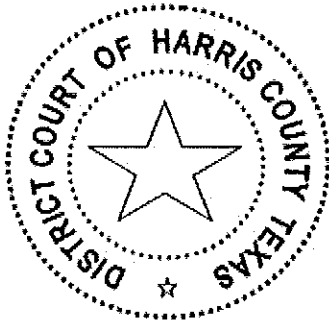
Respectfully submitted,

**RIFF & ASSOCIATES, P.C.**



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**ATTORNEY FOR PLAINTIFF**



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date. Witness my official hand and seal of office this February 5, 2014

Certified Document Number: 59061403 Total Pages: 6

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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